IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 10TH JULY 2007 / 19TH ASHADHA 1929

WP(C).No. 18666 of 2007(V)

PETITIONER:

A.AFZAL, S/O.N.AHAMMED, 'SAFA',
VELAYANNOOR, KUTTYADI, KOZHIKODE - 673 508.

BY ADV. SRI.M.C.JOHN

RESPONDENTS:
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1. THE KERALA PUBLIC SERVICE COMMISSION,
REPRESENTED BY SECRETARY, PATTOM,
THIRUVANANTHAPURAM.

2. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER SRI. BIJOY CHANDRAN
ADV. SRI. P.C. SASIDHARAN, SC FOR PSC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 10/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.BALAKRISHNAN NAIR, J.

W.P.(C) No.18666 of 2007 V

Dated this the 10th day of July, 2007.

JUDGMENT

The petitioner was a candidate, who applied for the post of Medical Records Librarian Grade II, when applications were invited for the same by the Kerala Public Service Commission. Ext.P1 is the summary of the said notification. The petitioner is having Bachelor's Degree in Health Information Administration, which is called “B.Sc (HIA)”. According to the petitioner, the said qualification should be treated as an equivalent qualification to the first prescribed qualification for the post, which is Bachelor's Degree in Medical Documentation, as is evident from Ext.P1. He relies on the curriculum of the said course, Ext.P5. He also relies on Ext.P10 certificate issued by the University and contends that the qualification possessed by him is equivalent to the qualification notified in Ext.P1. Therefore, there was no justification for not including him in the rank list. The petitioner seeks a direction to declare his result, which is withheld.

2. Learned standing counsel for the Public Service Commission submitted that the qualification prescribed for the post is '**Bachelor's Degree in Medical Documentation**' from a recognised University. In the absence of candidates with the said qualification, candidates with Pre Degree/Higher Secondary/Plus Two with one year experience in maintaining medical records in a Medical College will also be considered. Since sufficient number of candidates with the first prescribed qualification were available, the candidates with the alternative qualification were not considered. It is also pointed out that the notification does not provide for accepting any other qualification, which is equivalent to Bachelor's Degree in Medical Documentation. So, being a candidate not eligible to apply for the post, the petitioner's result was withheld, it is submitted.

3. Heard counsel on both sides.

4. It is not in dispute that the petitioner does not have the prescribed qualification. His claim is that the qualification possessed by him should be treated as equivalent to the prescribed qualification. But the notification does not say that any equivalent qualification is acceptable in the place of Bachelor's Degree in Medical Documentation. Unless there is a provision in the notification to accept the equivalent qualification, the application of the candidate with any other qualification cannot be accepted. This legal position is well settled by several decisions of this court.

Therefore, the writ petition fails and it is dismissed.

Sd/-

(K.BALAKRISHNAN NAIR)
JUDGE

sk/

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P.S. To Judge.